

REMARKS

Applicant respectfully requests reconsideration of the subject application. This Amendment and Response is submitted in response to the Office Action mailed February 3, 2010. Claims 9-13, 22-26, and 35-39 are pending and rejected. Claims 1-8, 14-21 and 27-34 are withdrawn. In this Amendment, claims 9, 22, and 35 have been amended. Claims 11, 24, and 37 have been cancelled. No new matter has been added.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 9-12, 22-25, and 35-38 under 35 U.S.C. § 102(e) as being anticipated by Garcia, et al., (U.S. Patent Publication No.: 2005/0256766, hereinafter “Garcia”).

Claim 9 is not anticipated by Garcia at least because Garcia fails to disclose the following elements of claim 9: causing the bidding interface to display, to at least one of the bidders, at least some of the bids that have been received from a plurality of bidders for the search string and user attribute combination, receiving at least one updated bid from the at least one of the bidders, responsively to the displayed bids, and determining a winning bid from the received bids of the at least two bidders and the updated bid.

Garcia is directed to a “pay-for-placement advertising model using a targeted search engine.” *Garcia*, Abstract. According to Garcia, a number of advertisers may submit an advertisement request.

An advertisement request 128 includes one or more advertisement search terms, one or more geographic targeting parameters, a bidding criterium, and a network location of the advertisement. In one embodiment, the advertisement request further includes an advertisement, a title for the advertiser, a description for the advertiser, one or more demographic targeting parameters, display format preferences, and display platform preferences, and other performance criteria which may be used in sorting of the search result. In another embodiment, the advertising campaign and network location of the advertiser is updated in response to an update request, either manually or automatically. *Id.*, paragraph 65.

Thus, an advertiser in Garcia can select or include a display preference for an advertisement to be placed via the targeted search engine. However, Garcia fails to disclose displaying to a bidder at least some of the bids that have been received from a

plurality of bidders for a search string and user attribute combination as required by claim 9.

Additionally, Garcia discloses that “the advertisements are sorted 189 using a bid amount that the advertisers whose advertisements have been identified are willing to spend in order to be displayed prominently in the final search results list 180.” *Id.*, paragraph 71. However, Garcia fails to disclose receiving at least one updated bid from the at least one of the bidders, responsively to displayed bids received from a plurality of bidders and determining a winning bid from the received bids of the at least two bidders and the updated bid as required by claim 9.

Thus, for at least these reasons, Garcia fails to disclose all of the elements of claim 9. Consequently claim 9 is not anticipated by Garcia. Independent claims 22 and 35 include features similar to those of claim 9 and are not anticipated by Garcia for at least the same reasons. The remaining claims depend from claims 9, 22, or 35 and are not anticipated by Garcia at least by virtue of this dependency.

Applicant, accordingly, respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

Applicant respectfully submits that the present application is in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
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